

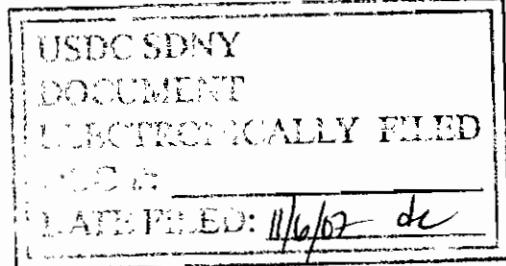
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November 1, 2007

Honorable Barbara S. Jones
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Roldan, et al. v. City of New York, et al., 07 CV 9364 (BSJ)

Dear Judge Jones:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, counsel for defendant City of New York in the above-referenced action brought pursuant to 42 U.S.C. § 1983. Defendant respectfully requests that the time to respond to the complaint be extended by sixty days from the current due date of November 8, 2007, to January 8, 2008. Plaintiffs' counsel has consented to this request for an enlargement of time.

We request this enlargement of time because, in keeping with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need this additional time to investigate the allegations of the complaint. It is our understanding that the records of the underlying criminal matters for each of the three plaintiffs in this action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office is in the process of forwarding to plaintiffs for execution consents and authorizations for the release of sealed records so that defendant can access the information, properly assess the case, and respond to the complaint. Further, plaintiffs have alleged physical injury as a result of the events of which they complain and, accordingly, this office is in the process of forwarding to plaintiffs' counsel consents and authorizations for the release of medical records for treatment received as a result of the alleged incident.

In addition, plaintiffs have named individual defendants in this action. This extension will give plaintiffs time in which to serve these defendants if they have not already done so. Without appearing or making any representations on their behalf, we respectfully

request that they be granted the same extension of time in which to respond to the allegations of the complaint if and when they are served, in order to ensure that their defenses are not jeopardized while representation issues are being addressed. Moreover, once the individual defendants have been served, pursuant to Section 50-k of the New York General Municipal Law, the Corporation Counsel's office must determine, based on a review of the facts of the case, whether we may represent them. See Mercurio v. City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985)) (decision as to whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

No previous request for an extension of time to respond to the complaint has been made. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be extended to January 8, 2008.

Thank you for your consideration herein.

Respectfully submitted,

Susan P. Scharfstein

cc: Richard Cardinale, Esq.
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Application Granted.

SO ORDERED
Dated: Barbara S. Jones
U.S.D.J.

11/6/07